



TRANSLATION

Bureau of Telecommunications
and Broadcasting Policy
2.1.-2254

Mexico City, D.F., March 8, 2011

Mr. Lawrence E. Strickling
Assistant Secretary for
Communications and Information
National Telecommunications and
Information Administration of the
Department of Commerce

Dear Mr. Strickling:

I refer to your note of January 21, 2011, in which you propose an amendment to the *Protocol between the Secretariat of Communications and Transportation [SCT] of the United Mexican States and the Department of State of the United States of America Concerning the Allotment and Use of the 380-399.9 MHz Band for Fixed and Mobile Terrestrial Non-Broadcasting Services Along the Common Border* (hereinafter, "the Protocol"), signed at Mexico City on July 27, 2005, and amended by an exchange of notes on July 17, 2006, and again on July 3, 2008, pursuant to Articles IV and V of the *Agreement between the Government of the United Mexican States and the Government of the United States of America Concerning the Allotment and Use of the Frequency Bands by Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border*, signed at Williamsburg, Virginia, on June 16, 1994.

Accordingly, pursuant to Article II, paragraph 1 of the Protocol, which designates the Secretariat of Communications and Transportation as the Administration designated by the United Mexican States for the purposes of the above-mentioned Protocol, I have the honor to inform you that the your proposed amendment is acceptable to the Secretariat of Communications and Transportation in the following terms proposed in your note of January 21, 2011:

Article IV, paragraph 3.b shall read as follows:

- b. The limited temporary use permitted under the terms set forth in the prior provisions of this paragraph may continue only until the two Administrations either agree upon and implement the alternative radio-frequency band for the assigned use or until January 1, 2015, whichever occurs first. If the two Administrations agree upon an alternative radio-frequency band for the assigned use for any U.S. station prior to January 1, 2015, the limited temporary use of the frequencies by that U.S. station shall end when cross-border operations are deployed and transmissions by that U.S. station begin on the alternative frequency band.

In view of the foregoing, I am also pleased to agree, on behalf of the Secretariat of Communications and Transportation, that your letter and this affirmative reply shall constitute an agreement between the Secretariat of Communications and Transportation of the United Mexican States and the National Telecommunications and Information Administration of the Department of Commerce of the United States of America, which agreement shall enter into force on the date of signature of this note.

In the absence of further business, I avail myself of this opportunity to renew to you the assurances of my highest consideration.

Very truly yours,

[Signature]

Héctor Olavarría Tapia

Director General

[SCT stamp]

cc: Mr. Dionisio Pérez-Jácome Friscione, Secretary of Communications and Transportation (SCT);
Mr. Mony de Swaan Addati, Chairman, Federal Telecommunications Commission (COFETEL).



SECRETARÍA DE COMUNICACIONES Y TRANSPORTES

TRANSPORTES

"2011, Año del Turismo en México"

Forma C. G - 1 - A

Dirección General de Política de Telecomunicaciones y de Radiodifusión

2.1.- 2254

México, D.F., a



Sr. Lawrence E. Strickling
Secretario Auxiliar de Comunicaciones e Información
Administración Nacional de Telecomunicaciones e Información
Departamento de Comercio
Presente

Estimado Sr. Strickling:

Me refiero a su nota de fecha 21 de enero de 2011, a través de la cual propone una enmienda al "Protocolo entre la Secretaría de Comunicaciones y Transportes de los Estados Unidos Mexicanos y el Departamento de Estado de los Estados Unidos de América relativo la Adjudicación y Uso de la Banda de 380-399.9 MHz para los Servicios Fijo y Móvil Terrenal Excepto Radiodifusión a lo Largo de la Frontera Común" (en adelante el "Protocolo"), firmado en la Ciudad de México el 27 de julio de 2005, enmendado mediante intercambio de notas de fechas 17 de julio de 2006 y 3 de julio de 2008, de conformidad con los Artículos IV y V del "Acuerdo entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de los Estados Unidos de América relativo a la atribución, y el uso de las bandas de frecuencias por los Servicios Terrenales de Radiocomunicaciones, excepto Radiodifusión, a lo largo de la frontera común", firmado en Williamsburg, Virginia, el 16 de junio de 1994.

Al respecto, de conformidad con el Artículo II, párrafo 1 del Protocolo, en donde se designa a la Secretaría de Comunicaciones y Transportes de los Estados Unidos Mexicanos como la Administración de los Estados Unidos Mexicanos para los propósitos del Protocolo en comento, tengo el honor de informarle que esta Secretaría acepta su propuesta de enmienda en los términos propuestos en su nota de fecha 21 de enero de 2011:

En tal sentido, el Artículo IV, párrafo 3.b deberá reflejar la siguiente redacción:

- b. El limitado uso temporal permitido bajo los términos establecidos en las disposiciones anteriores de este párrafo podrán continuar únicamente hasta que las dos Administraciones acuerden e implementen la banda de radiofrecuencia alterna para el uso



SECRETARÍA DE COMUNICACIONES

Y

TRANSPORTES

2254

asignado o hasta el 1 de enero de 2015, lo que ocurra primero. Si las dos Administraciones llegan a un acuerdo respecto a una banda alterna de radiofrecuencia para el uso asignado en cualquier estación estadounidense antes del 1 de enero de 2015, el uso limitado temporal de las frecuencias por parte de esa estación estadounidense terminará cuando las operaciones transfronterizas sean desplegadas y empiecen las transmisiones por parte de dicha estación estadounidense en la banda de frecuencia alterna.

Considerando lo anterior, tengo el agrado de convenir que la nota que nos hizo el favor de enviar y esta respuesta en sentido afirmativo constituyan un Acuerdo entre la Secretaría de Comunicaciones y Transportes de los Estados Unidos Mexicanos y la Administración Nacional de Telecomunicaciones e Información del Departamento de Comercio de los Estados Unidos de América, mismo que entrará en vigor a partir de la fecha de firma del presente documento.

Sin más por el momento, aprovecho la oportunidad para reiterarle la seguridad de mi más alta y distinguida consideración.

SECRETARÍA DE COMUNICACIONES Y TRANSPORTES
SUBSECRETARÍA DE COMUNICACIONES
Atentamente,
El Director General
Héctor Olavarría Tapia
DIRECCIÓN GENERAL DE POLÍTICA DE
EL COMERCIO Y DE TELECOMUNICACIONES

C.c.p. Mtro. Dionisio Pérez-Jácome Friscione.- Secretario de Comunicaciones y Transportes.- Para su conocimiento.
Mtro. Mony de Swaan Addati.- Presidente de la Comisión Federal de Telecomunicaciones.- Para su conocimiento.



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Communications
and Information
Washington, D.C. 20230

JAN 21 2011

Mr. Héctor Olavarria Tapia
Director General of Telecommunications and Broadcasting Policy
Secretariat of Communications and Transportation
Xola y Avenida Universidad
Cuerpo "C" Primer Piso
C.P. 03020 México D.F.

Dear Mr. Olavarria:

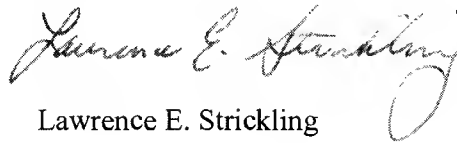
Pursuant to Articles IV and V of the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Allocation and Use of Frequency Bands by Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border* signed at Williamsburg, Virginia on June 16, 1994 (the "1994 Agreement"), the National Telecommunications and Information Administration of the Department of Commerce of the United States of America is the designated Administration for the United States under Article 11, paragraph 1 of the *Protocol Between the Department of State of the United States of America and the Secretaría de Comunicaciones y Transportes of the United Mexican States Concerning the Allotment and Use of the 380-399.9 MHz Band for Fixed and Mobile Terrestrial Non-Broadcasting Services Along the Common Border*, signed at Mexico City on July 27, 2005, as amended (the "2005 Protocol"). I am pleased to propose that the 2005 Protocol, which was initially amended by an exchange of letters dated July 17, 2006 and further amended by an exchange of letters dated July 3, 2008, be further amended as follows:

Article IV, paragraph 3.b shall be further amended to read as follows:

b. The limited temporary use permitted under the terms set forth in the prior provisions of this paragraph may continue only until the two Administrations either agree upon and implement the alternative radio-frequency band for the assigned use or until January 1, 2015, whichever occurs first. If both Administrations agree upon an alternative radio-frequency band for the assigned use for any U.S. station prior to January 1, 2015, the limited temporary use of the frequencies by that U.S. station shall end when cross-border operations are deployed and transmissions by that U.S. station begin on the alternative frequency band.

If the above-proposed amendment is acceptable to the Secretariat of Communications and Transportation, I further propose that this letter and your affirmative letter in reply shall constitute an agreement between the National Telecommunications and Information Administration of the Department of Commerce of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States, which agreement shall enter into force on the date of your letter in reply.

Sincerely,

A handwritten signature in cursive script, reading "Lawrence E. Strickling". The signature is written in dark ink and is positioned above the printed name.

Lawrence E. Strickling